

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kauaʻi Police Commission	Meeting Date	September 25, 2015
Location	Mo`ikeha Building – Meeting Room 2A/B		Start of Meeting: 9:01 a.m.	End of Meeting: 11:02 a.m.
Present	Chair Ernest Kanekoa Jr.; Vice-Chair Charles C.C. Iona; Members: Savita Agarwal, Gerald “Chip” Bahouth (entered the meeting at 9:15 a.m.) and James R. O’Connor Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Jay Furfaro; First Deputy County Attorney Stephen Hall; Police Department: Chief of Police Darryl Perry; Executive Chief of Police Michael Contrades;			
Excused	Commissioners Mary K. Hertog and Donald Okami Sr.			
Absent				
SUBJECT	DISCUSSION		ACTION	
Call To Order			Chair Kanekoa called the meeting to order at 9:00 a.m. with four (4) members present constituting a quorum.	
Approval of Minutes	Regular Open Session Minutes of August 27, 2015.		A motion was made by Vice Chair Iona to approve the meeting minutes of August 27, 2015. Commissioner Agarwal seconded the motion. Motion carried 4:0	
August Officer of the Month Detective Anthony A.J. Morita	Lieutenant Kenneth Cummings read the commendation for Detective Anthony A.J. Morita. Lt. Cummings stated that in June 2015, Detective Morita displayed exemplary professionalism and compassion towards the family of Harold J.J. Jackson. Mr. Jackson was first reported missing off of the coast of Makaha Beach on the island of O’ahu. His body was discovered four (4) days later about 25 miles from Kauaʻi on June 12, 2015. Detective Morita was the lead detective in the case and was responsible for informing the family of their loss. Detective Morita’s gentle ways and his compassionate interaction with the family no doubt lessen the pain and hurt that they were experiencing especially Mrs. Jackson who was married to Mr. Jackson for less than two (2) years.			

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	<p>Detective Morita was also assigned to an electronic enticement of a child case in June 2015. During the course of the investigation Detective Morita identified numerous witnesses and multiple victims. He applied and executed two (2) search warrants on different accounts on the social media website. The information that obtained and Detective Morita's continuous investigation lead to another search warrant this time in the suspect's residence and workplace. On September 10, 2015, another search warrant was executed whereby various items were recovered and kept as evidence. The suspect was arrest on four (4) 1st degree counts of sexual assault; two (2) 1st degree counts of electronic enticement of a child; and two (2) counts of 3rd degree sexual assault.</p> <p>Chief Perry presented Detective Morita with a certificate of outstanding an exemplary services for his professionalism and compassion shown to the family of Mr. Jackson and for his exceptional work in the electronic enticement of a child case. Detective Morita thanked his fellow colleagues and supervisors for their support.</p>	
<p>Commendation Report</p>	<p>There were two (2) letters of commendation and thanks for Detective Anthony Morita and Lieutenant Karen Kapua.</p> <p>On August 17, 2015, Ms. Leila Jackson and Mr. Ronald Yamaoka wrote to thank Detective Morita for his professionalism and compassion in handling a deeply sensitive matter.</p> <p>On August 28, 2015, Ms. Shaleigh Tice, Department of the Attorney General Branch Chief for Grants and Planning wrote to thank Lt. Kapua for serving as a review panelist for the FY 2014 Edward Byrne Memorial Justice Assistance Grant. Her participation facilitated completion of the</p>	

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	review and selection process in a timely manner.	
2015 Hawai'i State Law Enforcement Officials Association Conference update	Commissioner Kanekoa and Iona gave a brief overview of the Hawai'i State Law Enforcement Officials Association that was held in the Big Island of Hawai'i, on September 16 – 18, 2015.	
Chief's Monthly Reports	<ol style="list-style-type: none"> 1. Administrative and Technical Bureau & Training Reports 2. Fiscal Report 3. Investigative Services Bureau 4. Bench Warrant Tracking 5. Patrol Services Bureau & Traffic Reports 6. Community Oriented Policing Reports 7. Personnel Orders: 2015-20 and 2015-21 8. Chief's announcements and pertinent updates <ul style="list-style-type: none"> • Chief Perry acknowledged Lieutenant Roderick Green, who was selected as the department's Officer of the Year. Lt. Green was honored at 2015 Hawai'i State Law Enforcement Official Association Conference that was held on the Big Island of Hawai'i. • The National Take-Back Initiative Program (NTBI) in partnership with DEA will be conducted on Saturday, September 26, 2015, at the Kaua'i Police Department parking lot from 10:00 a.m. – 2:00 p.m. The program addresses illegal possessions and use of prescription medications, as well as provides the general public the opportunity to dispose of unused or expired medications. 	

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	<ul style="list-style-type: none"> • KPD is participating in the Kaua‘i United Way 2015 Annual Campaign. • A Fundraiser is being planned to help the family of Officer Christopher Brier cover some of the medical cost who currently dealing with a serious medical condition. Assistant Chief Roy Asher is spearheading the event. • Sergeant Chris Calio and Officer Allan Andres will be participating in the 2015 Paradise Cup Body Building Championship on the island of O‘ahu. • Despite of Council’s denial for a Legal Analyst position in KPD the department will continue its efforts to secure a similar type of position. • An armed robbery occurred last Saturday at the Good Neighborhood Pharmacy in Kapa‘a. Chief Perry thanked all of the detectives and officers who worked hard to resolve the case. 	
Business KPC 2015-08	<p>Chair Kanekoa read for the record the public announcements for the following notarized complaints that was filed with the Kaua‘i Police Commission on June 25, 2015 and August 11, 2015.</p> <ul style="list-style-type: none"> • A complaint filed on June 25, 2015, alleging that the 911 Operator would not send an ambulance to the complainant’s home and kept on insisting that the complainant was calling from the Pacific Missile Range at Barking Sands. Based on the information that was received, the Commissioners found that there was not enough evidence to support the allegations and the complaint was not upheld. This officially concluded the Commission’s review of 	

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	<p>complaint KPC 2015-008.</p> <ul style="list-style-type: none">• A complaint filed on June 25, 2015, alleging that the 911 Operator would not send an ambulance to the complainant’s home and kept on insisting that the complainant was calling from the Pacific Missile Range at Barking Sands. Based on the information that was received, the Commissioners found that there was not enough evidence to support the allegations and the complaint was not upheld. This officially concluded the Commission’s review of complaint KPC 2015-009.• A complaint filed on June 25, 2015, alleging that an officer of the County violated <u>Article III, Law Enforcement Code of Ethics and Article V. Discipline, Professional Guidelines and Responsibilities</u> of the Kaua‘i Police Department. Based on the information received, the Commissioners have decided to forward the complaint to the Office of the Chief for further review and investigation. This officially concluded the Commission’s review of complaint KPC 2015-010.• A complaint filed on August 11, 2015, alleging that an officer of the County violated the complainant’s civil rights by detaining the complainant without having the proper jurisdiction to do so. Based on the information received, the Commissioners found that there was not enough evidence to support the allegations and the complaint was not upheld. This officially concluded the Commission’s review of complaint KPC 2015-011.	

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Announcements	Next regular monthly meeting is set for Friday, October 23, 2015, at 9:00 a.m.in the Mo`ikeha Meeting Room 2A/2B. Executive Session to follow.	
Executive Session	At 9:31 a.m. Vice Chair Iona read the Hawai'i Revised Statutes to bring the meeting into Executive Session.	
ES-33	Pursuant to the Hawai'i Revised Statutes §92-4 and §92-5 (a) (4), the purpose of this Executive Session is for the Commission to consult with its attorney as to the powers, duties, privileges, immunities, and liabilities as they may relate to a Declaratory Action to determine the powers of the Mayor and the powers of the Police Commission. (On-going)	
ES-024	Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) (1) and (4), the Office of the County Attorney requests an Executive Session with the Police Commission, to update the Commission on EEOC Charge Nos. 486-2013-00066, 486-2013-00345, 486-2013-0047, 486-2013-00343, 486-2013-00005, 486-2013-00342, concerning the County of Kaua'i, Kaua'i Police Department, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Police Commission and the County as they may relate to this agenda item. (On-going)	
ES-2015-032	Pursuant to the Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve the Executive Session minutes of August 27, 2015, and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this item.	
ES-2015-026	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (1), (2), (4) and (5), the Office of the County Attorney request an Executive Session with the Police Commission, to provide a briefing relating to a request from Officer Irvin Magayanes that legal representation be provided to him by the County	

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	of Kaua'i relating to Criminal No: <u>15-1-0267, State of Hawai'i v. Irvin Magayanes</u> . This briefing and consultation involves consideration of powers, duties, privileges, immunities and/or liabilities of the Police Commission as they may relate to this agenda item. (On-going)	
ES-009: KPC 2015-002	Notarized complaint received on March 17, 2015, and filed against an officer of the county alleging ineffective police communication and conflict of interest in the investigation of the death of a pedestrian. (On-going)	
ES-033: KPC 2015-012	New notarized complaint received on September 1, 2015, alleging that an officer of the County was rude and refused to give the complainant his business card.	
KPC 2015-031	Discussion on the 2015 Performance Evaluation for Police Chief Darryl Perry. (On-going) Chair Kanekoa called for a motion to enter into Executive Session.	A motion was made by Commissioner O'Connor to enter into Executive Session. Commissioner Bahouth seconded the motion. Motion carried 5:0. At 9:32 a.m. the Commission entered into Executive Session.
Return to Open Session to Ratify the actions taken in Executive Session	At 11:02 a.m. the Commission reconvened in Open Session. Chair Kanekoa called for a motion to ratify the actions taken in Executive Session.	A motion was made by Vice Chair Iona to ratify the actions taken in Executive Session. Commissioner Agarwal seconded the motion. Motion carried 5:0 ES-33: On-going ES-024: No new updates. ES-20150-032: A motion to approve the Executive Session minutes of August 27, 2015, carried 5:0. ES-2015:026: A motion to approve a draft letter

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		<p>dated September 18, 2015, from Chair Kanekoa to Officer Irvin Magayanes carried 5:0.</p> <p>ES-009: KPC 2015-002: A motion to not uphold the complaint carried 5:0.</p> <p>ES-033: KPC 2015-012: A motion to defer the complaint to the next meeting in October carried 5:0.</p> <p>KPC 2015-031: (On-going)</p>
Adjournment	With no further business to conduct, Chair Kanekoa called for a motion to adjourn the meeting.	<p>A motion made by Commissioner Bahouth to adjourn the meeting. Vice Chair Iona seconded the motion. Motion carried 4:0</p> <p>At 11:02 a.m. the adjourned</p>

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Ernest Kanekoa Jr., Chair

☒ Approved as circulated on October 23, 2015.

☐ Approved as amended. See minutes of _____ meeting.